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MAY 25 2005

OFFICE OF PETITIONS

In re Application of
Boris Belyi et al.
Application No. 10/671,000
Filed: September 25, 2003
Attorney Docket No. 1DATA.043A

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)

This is a decision on the second renewed petition filed under 37 CFR 1.47(b) on April 25, 2005.

The second renewed petition is **GRANTED**.

The above-identified application was filed September 25, 2003, without an executed oath or declaration. Accordingly, on December 19, 2003, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. On June 21, 2004 a petition under 37 CFR 1.47(b) was filed and dismissed in a decision mailed July 26, 2004 because the petition lacked items 2, 5 and 6 of 37 CFR 1.47(b)¹. An oath or declaration executed by Ken Algiene on behalf of First Data Corporation, proof of proprietary interest and of irreparable harm had been submitted with the renewed petition filed September 30, 2004 but the renewed petition was again dismissed in a decision mailed October 28, 2004 because the declaration filed September 30, 2004 was defective. The oath or declaration submitted did not state that the person(s) making the oath or declaration acknowledged the duty to disclose to the Office all information known to the person(s) to be material to patentability as defined in 37 CFR 1.56 nor did it comply with 37 CFR 3.73 in that the putative assignee had not established its right to take action in accordance with 37 CFR 3.73(b).

¹A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The decision of October 28, 2004 advised that neither documentary evidence of a chain of title from the original owner to the assignee, or evidence of a chain of title from the original owner to the assignee had been recorded in the assignment records of the Office (*i.e.* reel and frame number).

In response to the decisions dismissing the petitions filed June 21, 2004 and September 30, 2004, proof of proprietary interest vested in First Data Corporation, proof of irreparable damage and an oath or declaration executed by one with the authority to sign on behalf of the assignee, Ken Algiene, Vice President and Assistant Secretary, First Data Corporation, has been provided. In view thereof, Mr. Algiene has also demonstrated his authority and the need to sign the oath or declaration on behalf of the non-signing inventors, Boris Belyi and Sharat Shankar.

All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter will be referred to Technology Center 3624 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (517) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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MAY 25 2005

OFFICE OF PETITIONS

In re Application of
Boris Belyi et al.
Application No. 10/671,00
Filed: September 25, 2003
For: DATA VALIDATION SYSTEMS AND METHODS FOR USE IN FINANCIAL
TRANSACTIONS

Dear Mr. Belyi and Mr. Shankar:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

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